



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/579,072	12/22/95	WYSZYNSKI	A 47681-P037US

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LM61/0528

EXAMINER

MAUNG, N

ART UNIT PAPER NUMBER

2744

DATE MAILED: 05/28/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/579,072Applicant(s)
WyszynskiExaminer
Nay MaungGroup Art Unit
2744

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on May 1, 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☐ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☒ will not be entered because:
- ☒ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: Newly proposed claims 22-25 and limitation to claim 13, "circuit" raised new issues requiring further search and/or consideration by the examiner.

- ☐ Applicant's response has overcome the following rejection(s):

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see the attach.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-21

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other

CURTIS A. KUNTZ
SUPERVISORY PATENT EXAMINER
GROUP 2700

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/1/98 have been fully considered but they are not persuasive.
2. In the remarks, the applicant argued in substance:

(A) "Improper Final Rejection...

The examiner has indicated that the present Office Action is Final (page 9). However, on page 6 of the Action, the Examiner states that "Applicant's argument with respect to claim 13-21...are moot in view of the new ground(s) of rejection." (P. 5 of the applicant's argument).

In response to the argument (A), No where in originally claimed limitation shows "wherein said mixer, said first and second filters and said first and second amplifiers are constructed on a single integrated substrate", and the claimed limitation set forth in preamble merely called for "a system for processing RF signals in a monolithic circuit, comprising:". In addition, the originally claimed limitations do not explicitly show the mixer, the first and second filters are constructed on a single integrated substrate. Hence, the examiner indicated that the present Office action is Final since the applicant amended the independent claim 13 by adding the limitation, ""wherein said mixer, said first and second filters and said first and second amplifiers are constructed on a single integrated substrate".

In addition to the argument, the recitation "a system for processing RF signals in a monolithic circuit, comprising:" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it

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merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. In the originally claimed limitations, the mixer, the first and second filters may or may not be constructed on a single integrated substrate; therefore, the Final rejection was proper.

(B) “Response to Applicant’s Traverse Not Complete

In the Office Action dated October 9, 1997, the Examiner stated using a low-pass filter instead of a band-pass filter is a design preference... In response, Applicant traversed the rejection and requested... the Examiner provided dictionary definitions of ‘low-pass filter’ and ‘band-pass’ filter... Applicant submits that a partial citation of dictionary definitions in the final Office Action was not a clear and complete response... (PP. 8-10 of the applicant’s argument).

In response to the argument (B), the examiner disagrees with the applicant’s argument because the examiner clearly disclosed an example of the well-known apparatus, ‘low-pass filter’ and ‘band-pass’, in response to the applicant’s argument to the first Office action.

For example, “the examiner provided an evidence wherein a lower pass filter possesses all of the same characteristics of band-pass filter, according to” the new IEEE standard Dictionary of Electrical and Electronic Terms”, “low-pass filter-A filter having a single transmission band” and “band-pass filter a wave filter that has a single transmission band”(PP. 90 and 500). Since applicant does not explicitly claim what type of transmission band is passing through the low-pass filter, the examiner concluded that using a lower-pass filter instead of a band-pass filter is a

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design preference as it is well established that the low-pass filter generally possess all of the same characteristics of band-pass filter. Nevertheless, the applicant discloses in the background of the invention that using a lower-pass filter for filter signal is well-known in the art." (Final Office action, PP. 6-7).

Therefore, the examiner completely responded to the applicant's argument in the first Office action.

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nay Maung whose telephone number is (703) 308-7745.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

N. Maung
May 26, 1998


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